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ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE RELATING TO MOTOR VEHICLES AND TRAFFIC, AMENDING CHAPTER 32, OF THE OKLAHOMA CITY MUNICIPAL CODE, 2020, BY AMENDING ARTICLE II – ADMINISTRATION AND ENFORCEMENT, DIVISION 2 – PARKING REGULATION ENFORCEMENT, SECTIONS 32-46 - CREATED; SUPERVISORY DEPARTMENT, 32-47 - POWERS AND DUTIES, 32-48 - ESTABLISHMENT OF PARKING ENFORCEMENT SPECIALISTS AND THE POWERS AND DUTIES GRANTED TO PARKING ENFORCEMENT SPECIALISTS, 32-49 - INTERFERENCE WITH PARKING REGULATION ENFORCEMENT OFFICIAL, AND DIVISION 5 - VIOLATIONS, SECTIONS 32-126 - CITATION FORMS GENERALLY AND 32-128 - CITATIONS FOR ILLEGAL PARKING.**

**ORDINANCE**

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF OKLAHOMA CITY:**

**SECTION 1.** That Chapter 32, Article II, Division 2, Sections 32-46, 32-47, 32-48, 32-49 of the Oklahoma City Municipal Code, 2020, are hereby amended to read as follows:

**CHAPTER 32**

**MOTOR VEHICLES AND TRAFFIC**

**ARTICLE II. - ADMINISTRATION AND ENFORCEMENT**

**DIVISION 2. - PARKING REGULATION ENFORCEMENT-~~SECTION~~**

**§ 32-46. - ~~Created; supervisory department.~~ Parking enforcement authority.**

There ~~is~~are hereby created within the Division of Public Management ~~a~~ parking regulation enforcement sections. The City Manager is hereby empowered to ~~designate and assign employees~~ employees ~~a supervisory department for to~~ said sections.

**§ 32-47. – Sections designated; ~~P~~powers and duties.**

~~(a) The parking regulation enforcement section shall:~~

- (1) ~~enforce all parking regulations and issue citations for violation of parking regulations and ordinances.~~
- (2) ~~impound in strict accordance with the provisions set forth in Division 4 of this article, vehicles parked in violation of parking restrictions.~~
- (3) ~~direct traffic by voice, with hand or signal in conformance with traffic laws.~~
- (b) ~~The authority granted in this section shall not be exclusive, and shall be concurrent with authority granted to the Police Department.~~
- (a) A parking regulation enforcement section shall be established in the Police Department. Said section shall be comprised of Police Service Technicians and Parking Enforcement Specialists.
  - (1) Police Service Technicians are authorized to enforce all parking ordinances and issue citations for violations thereof.
  - (2) Parking Enforcement Specialists shall have the authority to enforce the provisions of § 32-319(c), § 32-625 and § 32-626 of this Code, and issue citations for violations thereof.
- (b) A parking regulation enforcement section shall also be established in the Public Transportation and Parking Department. Said section shall be comprised of Parking Enforcement Technicians who shall have the authority to enforce ordinances related to metered parking and time-limited parking, and the authority to issue citations for violations thereof.

**§ 32-48. - ~~Establishment of parking enforcement specialists and the powers and duties granted to parking enforcement specialists~~ Manner of issuing citations.**

~~Parking enforcement specialists are established within the parking regulation enforcement section. These specialists shall have the following powers and duties:~~

- (1) ~~enforce parking regulations in those spaces reserved for the physically disabled and properly designated as required by Chapter 59, Section 59-10650 and Chapter 32, Section 32-319(e) of this Code.~~
- (2) ~~enforce parking regulations in those areas properly marked as fire lanes.~~
- (3) ~~issue citations for vehicles improperly marked and improperly parked in parking spaces reserved for the physically disabled.~~
- (4) ~~issue citations for vehicles improperly parked in fire lanes.~~
- (5) ~~issue citations for vehicles improperly parked in spaces designated for charging electric vehicles.~~

All citations issued pursuant to ~~this s~~Section 32-47 of this Code shall contain the time, date, vehicle tag, ~~or VIN~~ Vehicle Identification nNumber, make, year and color of the vehicle in violation to the extent that all such information is readily available at the time of issuance. The citation shall be on a form provided by the Municipal Court or from an e-citation device issued by the City, and ~~shall be conspicuously affixed to the vehicle in violation whenever possible~~ notice shall be given to persons violating any provisions of this chapter. Notice may be given by delivering the citation to the violator or by affixing it to the vehicle involved in the violation.

**§ 32-49. - Interference with parking regulation enforcement ~~official~~ employee.**

- (a) It shall be unlawful for any person to interfere with, ~~assault~~ or obstruct any ~~official~~ employee of ~~a the~~ parking regulation enforcement section while said ~~official~~ employee is engaged in the discharge of the employee's his duties.
- (b) Any person violating the provisions of Subsection (a) shall, upon conviction thereof, be guilty of a Class "a" offense ~~be punished by a fine not exceeding \$750.00 and/or imprisonment in the City Jail not exceeding six months.~~

**§§ 32-50—32-60. - Reserved.**

**SECTION 2.** That Chapter 32, Article II, Division 5, Sections 32-126 and 32-128 of the Oklahoma City Municipal Code, 2020, are hereby amended to read as follows:

**CHAPTER 32**

**MOTOR VEHICLES AND TRAFFIC**

**ARTICLE II. - ADMINISTRATION AND ENFORCEMENT**

**DIVISION 5. – VIOLATIONS**

**§ 32-126. - Citation forms generally.**

- (a) The ~~Ceourt~~ Administrator or designee shall supply Police Officers and parking regulation enforcement section employees ~~or public service technicians~~ with citation forms, for the purpose of giving notice to persons violating any provisions of this chapter.
- (b) Notice may be given by delivering the citation to the violator or by affixing it to the vehicle involved in the violation.
- (c) Each citation form shall direct the violator to appear and to present such form at a designated place on or before a date and hour specified thereon.
- (d) Nothing in this section shall be construed to abridge the power of a Police Officer to arrest any violator and take him into custody.

**§ 32-127. - Citations for moving violations.**

A Police Officer who halts a vehicle in motion for a violation of this chapter, other than for the purpose of giving the operator a warning or warning notice, and does not arrest the operator, except when authorized or directed under State law to immediately take a person before a magistrate for the violation of any traffic laws, shall take the name, address, and driver's license number of the operator, the registered number of the motor vehicle involved, and any other pertinent information as may be necessary, and shall issue to him in writing a traffic citation

containing a notice to answer to the charge against him in the Municipal Court at a time at least five days after the alleged violation. The officer, upon receiving the written promise of the alleged violator to answer as specified in the citation, shall release the person from custody.

#### **§ 32-128. - Citations for illegal parking.**

- (a) *Issuance.* Whenever any motor vehicle without a driver is found parked or stopped in violation of any of the restrictions imposed by this chapter, Chapter 10, or Chapter 56, the ~~Police Officer or official of the~~ parking regulation enforcement section employee finding the vehicle shall ~~take document or record its license plate information and Vehicle Identification Number registration number~~ and may take any other information displayed on the vehicle which may identify its user, and shall conspicuously affix to the vehicle a citation or notice for the driver to answer to the charge against him by the arraignment date, at the time and place specified in the citation or notice.
- (b) *Failure to comply with citation or notice.* If a violator of the restrictions on stopping, standing or parking a vehicle does not appear as directed in response to a parking citation or notice affixed to the vehicle and post sufficient bond or pay the appropriate fine and costs by the arraignment date specified in the citation or notice, the citation shall be deemed to be delinquent.

#### **§ 32-129. - Citations at accidents.**

Except for felonies a Police Officer at the scene of a traffic accident may issue a written notice to appear, as provided in 11 O.S. § 28-114, to any driver of a vehicle involved in the accident when, based upon personal investigation, the officer has reasonable and probable grounds to believe that the person has committed any offense under the provisions of this Code in connection with the accident.

#### **§ 32-130. - Presumption in reference to illegal parking.**

- (a) In any prosecution charging a violation of any ordinance, law or regulation governing the standing or parking of a vehicle, proof that the particular vehicle described in the complaint was parked in violation of any law or regulation, together with proof that the defendant named in the complaint was at the time of the parking the registered owner of the vehicle, shall constitute in evidence a prima facie presumption that the registered owner of the vehicle was the person who parked or placed the vehicle at the point where, and for the time during which, the violation occurred.
- (b) In any proceeding for impoundment or immobilization of a vehicle with delinquent parking citations, proof that the current registered owner of the vehicle was at the time of the parking violation the registered owner of the vehicle shall constitute in evidence a prima facie presumption that the current registered owner of the vehicle is responsible for payment of the delinquent fines, court costs and fees associated with the immobilization and/or impoundment of the vehicle.

- (c) In any proceeding for impoundment or immobilization of a vehicle with delinquent parking citations, when the vehicle ownership cannot be determined, the City may proceed with a rebuttable presumption that the delinquent citations are the responsibility of the unknown current owner.
- (d) The provisions of Subsections (a), (b) and (c) shall apply only when the procedure prescribed in this article has been followed.

**§ 32-131. - Arrest of nonresidents.**

- (a) A Police Officer at the scene of a traffic accident may arrest without a warrant any driver of a vehicle who is a nonresident of this City and who is involved in the accident when, based upon personal investigation, the officer has reasonable and probable grounds to believe that the person has committed any offense under the provisions of this Code in connection with the accident, and if the officer has reasonable and probable grounds to believe the person will disregard a written promise to appear in court.
- (b) Whenever any person is arrested under the provisions of this section, he shall be taken without unnecessary delay before a Judge of the Municipal Court.

**INTRODUCED AND READ** in the open meeting of the Council of The City of Oklahoma City, Oklahoma, this 26TH day of MARCH, 2024.

**PASSED** by the Council of The City of Oklahoma City, Oklahoma on this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

**SIGNED** by the Mayor of The City of Oklahoma City, Oklahoma on this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

**ATTEST:**

\_\_\_\_\_  
CITY CLERK

\_\_\_\_\_  
MAYOR

**REVIEWED** for form and legality.

A handwritten signature in blue ink, appearing to read "Chris Hall". The signature is stylized with a large initial "C" and "H".

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Assistant Municipal Counselor